

Appl.No. 10/798,518
Response dated July 25, 2005
Reply to Office action of April 25, 2005

Drawings

Applicant has provided Formal Figures 1-8 to correspond with the Examiners requirement for Applicant to furnish drawings in compliance with 37 CFR 1.121(d).

No new matter has been submitted.

Attachment: Seven (7) Figure Sheets

Appl.No. 10/798,518
Response dated July 25, 2005
Reply to Office action of April 25, 2005

REMARKS

This application was filed with 1-25 claims. Claims 1-25 have been rejected. Claims 1, 3, and 7 have been amended. Therefore, Claims 1-25 are pending in the Application. Reconsideration of the application based on the remaining claims as amended and arguments submitted below is respectfully requested.

Issues with the Drawings

Applicant has submitted herewith formal drawing Figures 1-8 in compliance with 37 CFR 1.121(d). Applicant has addressed the objection to the drawings through an amendment to the specifications in paragraph 32 as detailed in the next paragraph of this Response. Applicant respectfully requests that the objections to the drawings be reconsidered and withdrawn.

Amendments to the Specification

Applicant has amended paragraph 32 of the specifications to address the Examiners objection to the drawings for failure to comply with 37 CFR 1.84(p)(4). Applicant would like to respectfully point out that in the drawings themselves the reference character "12" only refers to the "longitudinal axis" while the reference character "14" only refers to the "hand portion". The clerical error and inconsistency is in the specifications. Please note paragraph 34 properly refers to

Appl.No. 10/798,518
Response dated July 25, 2005
Reply to Office action of April 25, 2005

“longitudinal axis 12”. As such, Applicant has amended paragraph 32 to read “longitudinal axis 12”. No new matter has been introduced.

Additionally, Applicant has corrected the informalities as requested by the Examiner. Namely, the term “arraigned” has been changed to “arranged” and the numeral 40 has been changed to 48. No new matter has been introduced. Therefore, Applicant respectfully requests that the objection to the specifications be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. § 102(e)

Claims 1-25 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Beland et al. (U.S. 6,543,057). This rejection is respectfully traversed and reconsideration and withdrawal thereof is requested.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 citing Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” Id citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Also, “[t]he elements must be arranged as required by the claim...” Id citing In re Bond, 910 F.2d 831 (Fed. Cir. 1990).

In regard to claim 1, Claim 1 as amended to includes features not present in the prior art. For example, Claim 1 includes, among other features, a cuff portion including a plurality of protection sections extending from the hand portion and aligned substantially parallel with the longitudinal axis wherein each protection section includes a radial path to the longitudinal axis unobstructed by adjacent protection sections. The prior art lacks these features. For example, Beland et al. teaches an overlap of the padding elements.

In regard to Claims 2-10, Claims 2-10 are dependent on Claim 1, and include features not anticipated by the prior art. For example, Claim 7 teaches pivotally attaching adjacent protection sections at a point along the length of each protection section. As such, Claims 2-10 are patentable.

In regard to Claims 11 and 18, Claims 11 and 18 include features not found in Beland et al. For example, the each padding element 101-104 of Beland et al. is not pivotally attached to an adjacent padding element 101-104. Applicant would like to respectfully point out that nothing in Beland et al. indicates that the padding elements 101-104 are pivotally attached. In fact, Beland et al. specifically states that "Cuff portion 24 is sewn to hand receiving portion 22 around its circumference along a line defined by sewing line 80 (FIG. 3)..." (Column 4, lines 38-40) and "Each padding element is independent from the next..." (Column 7, lines 15-16). As such,

Appl.No. 10/798,518
Response dated July 25, 2005
Reply to Office action of April 25, 2005

each padding element 101-104 of Beland et al. can not be pivotally attached to an adjacent padding element 101-104.

In regard to Claims 12-17 and 19-25, Claims 12-17 and 19-25 are dependent on Claims 11 and 18 , respectfully, and include features not anticipated by the prior art. As such, Claims 12-17 and 19-25 are patentable.

Thus, Applicant respectfully requests that the rejection of Claims 1-25 under 35 U.S.C. §102(b) be withdrawn.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Amendment and Response to Deposit Account 23-0035.

Appl.No. 10/798,518
Response dated July 25, 2005
Reply to Office action of April 25, 2005



Respectfully submitted,

Phillip E. Walker
Registration No. 52,336
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456

ATTORNEY FOR APPLICANT

Phillip E. Walker
Waddey & Patterson
414 Union Street, Suite 2020
Bank of America Plaza
Nashville, TN 37219
(615) 242-2400

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Response and Amendment and Formal Figures 1-8 (seven sheets) are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Phillip E. Walker

Registration No. 52,336

Date